

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

GLENN STEPHENS III,

Plaintiff,

v.

MELVIN R. COHICK, et al.,

Defendants.

CIVIL ACTION NO. 4:22-CV-01460

(MEHALCHICK, M.J.)

ORDER

This action brought by *pro se* Plaintiff Glenn Stephens III, PhD., J.D. (“Stephens”), was commenced by the filing of a complaint pursuant to 28 U.S.C. § 1332 on September 19, 2022, against Defendants Melvin R. Cohick, Diane Hill Jones, Leroy H. Keiler, III, Lori Cohick Barner, Dale A. Tice, Esq., and “Partners, Carpenter, Harris & Flayhart” (collectively “Defendants”). (Doc. 1). The complaint states that the events giving rise to this action involve an unlawful eviction in violation of a Centers for Disease Control (“CDC”) moratorium. (Doc. 1, at 4). On September 21, 2022, having conducted the statutorily-mandated screening of Stephens’s complaint pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii), the Court found that it lacked jurisdiction to hear Stephens’s claims and that Stephens failed to state a claim upon which relief may be granted. (Doc. 6; Doc. 7). In addition, the Court granted Stephens’s motion to proceed *in forma pauperis* and granted him leave to file an amended complaint by October 21, 2022. (Doc. 5; Doc. 7). The Court’s Orders were returned as undeliverable. On October 17, 2022, Stephens filed a letter with the Court requesting an update of his *in forma pauperis* status and notifying the Court of his change of address. (Doc. 11). On November 3, 2022, Stephens filed a “motion to amend,” as well as a statement of material facts, requesting:

[Stephens] respectfully moves the Court to amend the caption to reflect his temporary mailing address (in use until he returns to Colorado to altitude train) and to reflect the removal of Diane Hill Jones as a defendant (Hill Jones and [Stephens] settled). [Stephens] further moves for summary judgment and for expedited mediation.

(Doc. 12, at 1).

On November 9, 2022, Stephens filed a “second request for expedited mediation,” dismissing his claims against Melvin R. Cohick and requesting “that the Court order the remaining Defendants, who have ignored by many settlement offers, to participate in good faith in settlement negotiations at mediation via Zoom or a similar application.” (Doc. 14).

AND NOW, this 3rd day of January, 2023, **IT IS HEREBY ORDERED** that:

1. Stephens’s motion for summary judgment (Doc. 12) is **DENIED** without prejudice as premature. “[S]ummary judgment motions are best considered at the close of fact discovery,” as “[t]his ensures an orderly procedure and saves the court from serial motions brought by parties to exploit some temporary advantage in the discovery process.” *United States v. Est. of Elson*, 421 F. Supp. 3d 1, 5 (D.N.J. 2019).
2. Defendants have not yet been served with summons and the complaint as the Court dismissed Stephens’s complaint without prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) and Stephens failed to file an amended complaint as directed by the Court’s Order. (Doc. 7). As a result of the statutorily-mandated screening process, the Court finds that the issues involved in this case are not amenable to mediation at this stage because mediation would not be a productive exercise, a worthwhile use of judicial resources, or warrant the expense of the process. Therefore, Stephens’s requests for expedited mediation (Doc. 12; Doc. 14) are **DENIED**.
3. The Clerk of Court is directed to terminate Diane Hill Jones and Melvin R. Cohick from this action and amend Stephens’s address in accordance with the address provided in Stephens’s most recent letter filed with the Court. (Doc. 14).
4. Stephens is directed to file an amended complaint within thirty (30) days of the date of this Order, on or before **Thursday, February 2, 2023**, curing the deficiencies set forth in the Court’s screening of the original complaint.

(Doc. 6). Failure to file a second amended complaint may result in the dismissal of this action in its entirety.

BY THE COURT:

s/ Karoline Mehalchick

KAROLINE MEHALCHICK
Chief United States Magistrate Judge